

रजिस्टर्ड नं० पी० एस० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, १४ अगस्त, १९७४/२३ श्रावण, १८९६

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Simla-2, the 12th August, 1974

No. 10-12/74-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business, the Himachal Pradesh Panchayati Raj (Validation) Bill, 1974 (Bill No. 11 of 1974) is hereby published in the Government gazette.

By order,
S. S. KANWAR,
Secretary.

Bill No. 11 of 1974.

**THE HIMACHAL PRADESH PANCHAYATI RAJ
(VALIDATION) BILL, 1974**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A
BILL**

to validate the orders, proceedings and acts done under the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fifth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Himachal Pradesh (Validation) Act, 1974.

(2) It shall come into force at once.

Validat on
of Pancha-
yats orders,
proceedings
and acts.

2. The Gram Sabhas constituted *vide* the Himachal Pradesh Government notification No. 28-3/69-Panch, dated the 1st July, 1972 shall be deemed to be and always to have been validly constituted irrespective of the fact that the said notification has not been published in the Himachal Pradesh Rajpatra and all orders made, proceedings taken and acts done in pursuance of this notification shall be deemed to be and always to have been validly made, taken and done as if the said notification has been duly published in the Rajpatra, Himachal Pradesh.

Bar of legal
proceed-
ings.

3. No suit or other legal proceedings whatsoever, shall lie in any Court against the State Government or any officer for or on account of or in respect of any such order made, proceedings taken or act done as aforesaid and validated by the provisions of the preceding section.

Repeal and
savings.

4. (1) The Himachal Pradesh Panchayati Raj (Validation) Ordinance, 1974 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on 26th June, 1974.

6 of 1974

STATEMENT OF OBJECTS AND REASONS

The Government on 1-7-1972 by a notification established 72 new Gram Sabhas by re-organising the existing Gram Sabhas of erstwhile Mahasu district (now Simla and Solan districts), but this notification was not published in the Rajpatra, though a copy of it was sent to the Government Press.

The said notification was challenged in the High Court through two writ petitions on the plea that since the notification was not published in the Rajpatra, the Gram Sabhas established under this notification were not validly constituted because under section 2 (3) of the Himachal Pradesh General Clauses Act, 1968, the expression "Notification" when used in a Himachal Pradesh Act must mean "a Notification published under proper authority in the Official Gazette". The election of a particular Panchayat was quashed by the High Court on this ground.

Now in order to revalidate the constitution of the said 72 Gram Sabhas, an Ordinance (Ordinance No. 6 of 1974) was promulgated on 26th June, 1974 because the Legislative Assembly of Himachal Pradesh was not in session and the circumstances so existed which rendered it necessary to take immediate action.

This Ordinance is required to be replaced by an Act. Hence this Bill.

SIMLA:

The August, 1974

HARDYAL,

Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Nil

Simla-2, 12th August, 1974

No. 10-10/74-VS—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business, the Himachal Pradesh University (Amendment) Bill, 1974 (Bill No. 10 of 1974) is hereby published in the Government gazette.

By order
S. S. KANWAR,
Secretary.

Bill No. 10 of 1974.

**THE HIMACHAL PRADESH UNIVERSITY (AMENDMENT)
BILL, 1974**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Himachal Pradesh University Act, 1970 (Act No. 17 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fifth Year of the Republic of India as follows:—

Short title
and
commence
ment.

1. (1) This Act may be called the Himachal Pradesh University (Amendment) Act, 1974.

(2) It shall come into force at once.

Substitution
of Section
46.

2. For section 46 of the Himachal Pradesh University Act, 1970 the following section shall be and shall be deemed always to have been substituted, namely:—

“46. Notwithstanding anything contained in this Act, the first members of the Court, the Executive Council, the Academic Council and the Board of Management shall be nominated by the Chancellor and they shall hold office for a period not exceeding three years as may be provided in each case in the Statutes to be framed under section 38.”

Repeal.

3. The Himachal Pradesh University (Amendment) Ordinance, 1974 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Under statute 8 (3) of the Himachal Pradesh University, a member of the Court shall hold office for a period of three years, except in the case of student-members who shall hold office for one year or till the end of the academic year in which they become members, whichever is earlier. Thus, according to this provision in the statute 8 (3), the term of office of ten student-members nominated by the Chancellor to the Court of the Himachal Pradesh University is to expire on the close of the academic year. But in view of the provisions in section 46 of the Himachal Pradesh University Act, 1970, the term of office of such members is to expire after the expiry of three years from the date of their nomination. The student-members nominated to the Court for three years had to be replaced by new student-members on the expiry of one year or till the end of the academic year, whichever is earlier, but this could not be done in view of the provisions in section 46 of the Act. Section 46 of the Act had, therefore, to be amended but it could not be done as the Himachal Pradesh Vidhan Sabha was not in session. In order to meet this emergent situation and also to meet any similar difficulties in respect of members of other bodies of the University, the Governor, Himachal Pradesh, was pleased to promulgate Ordinance No. 5 of 1974 on the 7th June, 1974.

2. The language of the Ordinance has been modified so as to prescribe specified guidelines for regulating the term of office of the nominated members, on which the language of the Ordinance was silent.

3. This Bill seeks to replace the aforesaid Ordinance.

SIMLA:
The August, 1974.

Y. S. PARMAR,
Chief Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Nil

